REMARKS

Claims 1-24 are pending in this application. The Applicant appreciates the Examiner's indication of allowability concerning claims 3-7, 20 and claims 21-24.

I. REJECTION OF CLAIMS (35 U.S.C. § 103)

A. Claims 1-2 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (U.S.Pat-6807185) in view of Takayama et al. (U.S.Pub-20020025810). The Applicant respectfully traverses.

1. The Examiner stated that regarding claim 1, that Takayama teaches all access points are operated synchronously, and monitor the beacon to mate with the hopping frequency of the neighboring access point, Takayama further teaches updating state information of the access nodes according to the call connection and connection release between the access nodes (fig.6-7, paragraph 0036, 0039, 0065), therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use updating state information of the access nodes according to the call connection and connection release between the access nodes as taught by Takayama with Bell teaching in order to improve the system bandwidth, and preferably the mobile terminal is connected to the access point having a best communication situation.

However, Takayama is not teaching or suggesting updating the state information of the access nodes *according to the call connection release between the access nodes.*

In paragraph 36, there is updating of the hopping information of the neighboring access points and in paragraph 39, Takayama states that the program for updating the hopping information is stored in the EEPROM. Paragraph 65 refers to figures 6 and 7 for the updating operation. As seen in figure 6, there is a transmission of the hopping information with a certain delay between the transmissions. In figure 7, the beacon is checked if it is received to reset the ageing timer and a determination of the information of the neighboring access point. However, nowhere is it seen that the call connection and connection release affects the update of the state information. Monitoring of the beacon is not the call connection and release.

Moreover, as seen on page 7 of Takayama, with regard to claim 1 of Takayama, the access points send out hopping information periodically and then synchronizes all the access points and sends out the radio beacons synchronously from the access point. There is update of the state information according to connection and release of call, but rather it is done periodically with no regard to the actual call connection and release of the call.

In addition, Takayama is not related to the call connections as seen in the entire disclosure of Takayama.

There is a difference between the hopping information of Takayama and call connection of the present invention.

2. The Examiner stated that regarding claim 2, Bell fails to specifically disclose updating the state information of the access nodes to idle state information according to the call connection release, but that Takayama teaches all access points are operated synchronously, and

monitor the beacon to mate with the hopping frequency of the neighboring access point, Takayama further teaches updating the state information of the access nodes to idle state information according to the call connection release (fig.6-7, paragraph 0036, 0039, 0065); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use updating the state information of the access nodes to idle state information according to the call connection release as taught by Takayama with Bell teaching in order to improve the system bandwidth, and preferably the mobile terminal is connected to the access point having a best communication situation.

However, in addition to the remarks made above concerning claim 1, Takayama does not teach or suggest updating the state information of the access nodes to idle state information according to the call connection release. As shown concerning claim 1, the hopping frequency information is exchanged between access points periodically. There is no updating of the state information of access nodes to the idle state information according to the call connection release. As seen in the steps of figures 6-7, not updating of the state information of the access nodes to the idle state is given. Hopping information of Takayama is not the same as the call connection information of the present invention.

Moreover, there is no motivation of combining the references stating that the updating of the state information of the access nodes to idle state actually improves bandwidth. The motivation must be clear and particular. "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability. *In re Dembiczak*, 175 F.3d 994, 50 USPQ.2d 1614 (Fed. Cir. 1999).

The showing must be "clear and particular" without broad generalized conclusory statements. *Id.* There must be specific statements showing the scope of the suggestion, teaching, or motivation to combine the prior art references. *Id.* at 1000. There must be an explanation to what specific understanding or technical principle would have suggested the combination of references. *Id.* Therefore, the motivation given by the examiner is not clear and particular. Moreover, it is not shown to be in the references themselves or known in the art according to MPEP §706.02(j) which states "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

3. a. Concerning claim 8, Bell does not teach the network controller carrying out the *call connection and data service when the access node makes a request for call connection and the controller requesting the state information of the access nodes be updated.* Bell does not teach or suggest that the call connection and data services are provided when all the limitations in the claim are satisfied including the request for call connection specifically *and* request by the controller to update the state information. All of these limitations are not satisfied as must be done according to MPEP 706.02(j) which states that "the prior art reference (or references when combined) must teach or suggest all the claim limitations."

In col. 9, line 46 to col. 10, line 24, Bell states that there is an initiation of the call request and there is a response and there is a path formed when the call is received. However, there is call

connection *and* data services *when* both a request is made and the controller requests to update the state information. The data information as claimed is not discussed by Bell specifically and the update of the state information is not made. Bell mentions that bandwidth for the information transport network is open when the call connection is not made, but a teaching relating the data services as related to the call communication is not connected as claimed in the present invention. There is no connection made between the different dissected limitations as arranged in the present claim. When evaluating the scope of a claim, every limitation in the claim must be considered. [Patent] Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered. See, e.g., *Diamond v. Diehr*, 450 U.S. at 188-89, 209 USPQ at 9. The Examiner has respectfully not looked at the claim as a whole.

Takayama includes updating of hopping information of the access points, but again, the actual teaching or connection between the different dissected limitations is not taught or suggested in the combination of references.

3. b. The Examiner admits that Bell fails to specifically discloses a first private access network transceiver system setting up a session when the first access node moves within the wireless service area of the first private access network transceiver, and a second private access network transceiver system setting up a session when the second access node moves within the wireless service area of the second private access network transceiver, but that Takayama teaches all access points are operated synchronously, and monitor the beacon to mate with the hopping frequency of

the neighboring access point, Takayama further teach a first private access network transceiver system setting up a session when the first access node moves within the wireless service area of the first private access network transceiver (fig.6-7, paragraph 0018, 0036, 0039, 0065), and a second private access network transceiver system setting up a session when the second access node moves within the wireless service area of the second private access network transceiver (fig.6-7, paragraph 0018, 0036, 0039, 0065).

However, Takayama does not teach or suggest setting up a session by the private network transceiver system when the access nodes move in the wireless service area. The movement of the access nodes is never taught or suggested. Paragraph 18 mentions the mobile terminal connecting to the access points via a communication system using frequency hopping and paragraphs 36, 39 and 65 include the updating of hopping information of the neighboring access points periodically. However, there is no session set up with two different transceivers when the two different corresponding access nodes moves to the wireless service area.

4. The Examiner stated that regarding claim 9, Bell and Takayama further teaches the system of claim 8, further comprising a data location register updating the state information of the access nodes to busy state information according to a state information update request (see Bell, col. 10, lines 6-24, see Takayama, fig.6-7, paragraph 0036, 0039, 0065).

Paragraph 36 of Takayama states that the hopping information is stored, but there is no specific description of a data location register updating the state information. Moreover, the updating

is not concerning the busy state information but rather only the hopping information needed for the hopping frequency when communicating.

5. The Examiner stated that regarding claim 10, Bell and Takayama further teaches the system of claim 9, with the private access network controller requesting that the state information of the access nodes be updated (see Bell, col. 10, lines 6-24), and carrying out a call connection release between the access nodes when the data service for the access nodes is completed (see Bell, abstract, col. 9, line 46 to col. 10, line 24, see Takayama, fig.6-7, paragraph 0036, 0039, 0065).

However, neither Bell or Takayma alone or in combination teach or suggest the request that state information be updated and carried out a call connection release when the specifically the data service is completed. The interaction of the call connection and data services are not taught or suggested and the connection between the teachings is not made. Col. 10, lines 6-24 only discuss when the call does not complete that the bandwidth is open, but no updating of the access nodes for the state information. Takayama in figures 6-7 indicates updating of the hopping information, but it is not done when the data services are completed and further there is not teaching that such is done with regard to the call connection release as Takayama does not deal with the call connection. Bell mentions call connection, but fails to state that such is carried out when the data services are completed. Indicating in Bell, that if the call does not complete that there is bandwidth available in the information transport network does not teach that the state information is updated and call connection release is done when the data service is completed. The two teachings are not logically connected as arranged in the claim.

6. Regarding claim 11, the Examiner states that Bell and Takayama further teaches the system of claim 10, with the data location register updating the state information of the access nodes to idle state information according to another state information update request (see Bell, abstract, col. 9, line 46 to col. 10, line 24, see Takayama, fig.6-7, paragraph 0036, 0039, 0065).

However, Takayama only indicates the storage of the hopping information while Bell indicates that bandwidth is available when a call is not made. This does not indicate that the register updates the state information to idle according to another update request of the state information.

7. Regarding claim 15, the Examiner states that Bell and Takayama further teaches the system of claim 13, with the data location register storing the information associated with the first access node of the wireless private network equal to the information associated with the second access node of the public land mobile network (see Bell, abstract, col. 9, line 46 to col. 10, line 24, see Takayama, paragraph 0012).

However, updating is not the same as making the information being equal. One can update without making equal. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient." *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981).

8. Regarding claim 17, the Examiner states that Bell and Takayama further teaches the system of claim 16, with the private access network controller sending a request message

indicating the state information of the originating access node and the terminating access node to be updated to busy state information (see Takayama, fig.4-7, 20B, abstract, col. 37, lines 7-51) and the data location register searching for the subscriber information upon receiving the state information update request and updating the access node state information to busy state information (see Bell, abstract, col. 9, line 46 to col. 10, line 24).

However, neither Bell nor Takayama relate to updating to busy state information under the conditions of claim 17. Takayama includes the updating of the hopping information and Bell includes the formation of the information path. However, the busy state is not updated with regard to the register for both an originating and terminating access node.

9. Regarding claim 18, the remarks concerning claims 1 and 2 apply.

10. Regarding claim 19, the remarks concerning claims 1 and 2 apply.

11. Moreover, regarding claims 1-2 and 8-19, as shown above, there is a difference between the hopping information of Takayama and call connection information of the present invention and therefore, the combination of Takayama and Bell do not teach or suggest all the claim limitations to make the claim obvious under 35USC§103.

II. Allowable Claims

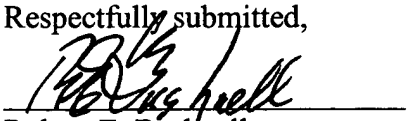
The applicant appreciates the examiner's indication of allowability pertaining to claim 21-24.

In accordance with 37 C.F.R. § 1.111(b), the applicant respectfully requests that the examiner temporarily hold objections and requirements as to form in abeyance until the remarks and amendments in this Amendment are considered by the examiner.

In view of the foregoing remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

A fee of $450.00 is incurred by filing a petition for two-month extension of time. Applicant's check drawn to the order of the Commissioner accompanies this Response. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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